

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

WEST SONOMA COUNTY UNION HIGH
SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2010110621

ORDER GRANTING PEREMPTORY
CHALLENGE

On January 28, 2011, counsel for the West Sonoma County Union High School District (District) filed with the Office of Administrative Hearings (OAH) a peremptory challenge, seeking to disqualify Administrative Law Judge (ALJ) Rebecca Freie from hearing this case. Student has not filed a response to this challenge.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the Hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).)

The District's peremptory challenge of ALJ Freie satisfies the foregoing standards, and is granted.

ORDER

1. The District's peremptory challenge of ALJ Rebecca Freie is granted.
2. All dates previously set in this matter will remain on calendar.

Dated: January 28, 2011

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings

